

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RICHARD J. ISOLDE, Individually and on	§	Civil Action No. 3:15-cv-02093-K
Behalf of All Others Similarly Situated,	§	
	§	<u>CLASS ACTION</u>
Plaintiff,	§	
	§	Judge Ed Kinkeade
vs.	§	
	§	
TRINITY INDUSTRIES, INC., et al.,	§	
	§	
Defendants.	§	
	§	
	§	

**PLUMBERS AND PIPEFITTERS NATIONAL PENSION FUND AND UNITED
ASSOCIATION UNION OFFICERS & EMPLOYEES PENSION FUND'S NOTICE OF
FILING BY COUNSEL FOR DEPARTMENT OF THE TREASURY OF THE STATE OF
NEW JERSEY AND ITS DIVISION OF INVESTMENT**

I. INTRODUCTION

Plumbers and Pipefitters National Pension Fund and United Association Local Union Officers & Employees Pension Fund (the “Plumbers Pension Funds”) respectfully submit this notice regarding yet one more example of counsel for the Department of the Treasury of the State of New Jersey and Its Division of Investment (“New Jersey”) maneuvering to ensure appointment as lead counsel. This latest maneuver occurred in a securities fraud class action case pending in this District before Judge Sidney A. Fitzwater.

The Plumbers Pension Funds have previously detailed a series of similar maneuvers by New Jersey’s counsel in other Private Securities Litigation Reform Act of 1995 (“PSLRA”) actions. *See, e.g.*, Dkt. No. 41. On August 27, 2015, a securities fraud class action, *Kenney v. Pier 1 Imports, Inc.*, No. 3:15-cv-02798-D, was filed in this District. The *Kenney* complaint alleged a class period of December 19, 2013 through February 10, 2015. *See* Exhibit 1 to the Appendix of Exhibits in Support of Plumbers and Pipefitters National Pension Fund and United Association Local Union Officers & Employees Pension Fund’s Notice of Filing by Counsel for Department of the Treasury of the State of New Jersey and Its Division of Investment (“App.”), filed concurrently herewith. On that same day, the PSLRA notice was published to the class to advise class members of their ability to move for lead plaintiff on or before October 26, 2015. App., Ex. 2.

On October 21, 2015, just **days** before the lead plaintiff motions were due to be filed in the *Pier 1* case, New Jersey’s counsel in this case filed a new complaint in the *Pier 1* matter, captioned *Town of Davie Police Pension Plan v. Pier 1 Imports, Inc.*, No. 3:15-cv-03415, which **extended** the end of the class period in *Pier 1* by seven months, from February 10, 2015 to **September 24, 2015**. App., Ex. 3. Then, five days later, on October 26, 2015, New Jersey’s counsel here filed a lead plaintiff motion in *Pier 1* for a client which suffered **no losses** in the originally-filed class period.

App., Exs. 4-5. Rather, the client in *Pier I* was only able to claim losses in *Pier I* ***because*** counsel had extended the class period just days before lead plaintiff and lead counsel motions were due..

Pier I represents yet one more example of a maneuver by New Jersey's counsel to ensure appointment as lead counsel in contravention of the underlying purposes of the PSLRA, and further supports denial of New Jersey's motion for appointment as lead plaintiff and approval of lead counsel in this case.

DATED: November 11, 2015

Respectfully submitted,

THE LAW OFFICE OF BALON B. BRADLEY
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CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2015, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 11, 2015.

s/ BALON B. BRADLEY

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